

**Assembly Bill No. 454**

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Passed the Assembly September 10, 2013

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*Chief Clerk of the Assembly*

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Passed the Senate September 9, 2013

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2013, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 4454.5 to the Labor Code, relating to workers' compensation.

## LEGISLATIVE COUNSEL'S DIGEST

AB 454, Dickinson. Workers' compensation benefits: prevailing wages.

Existing law defines the term "public works" for purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers' compensation for public works projects.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Under this system, the Workers' Compensation Appeals Board has jurisdiction to adjudicate claims relating to workers' compensation. Existing law requires, in computing average annual earnings for the purposes of temporary disability indemnity and permanent total disability indemnity only, that the average weekly earnings be taken in accordance with a prescribed formula.

This bill would require the average weekly earnings for an employee employed on a public works project to be taken at wages actually paid or the prevailing wage that was applicable to the work performed by the employee, whichever amount is greater. The bill would provide that an appeals board determination of whether a project was a public work or of the applicable prevailing wage, or both, has no effect in any other judicial or administrative proceeding.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4454.5 is added to the Labor Code, to read:

4454.5. When determining average weekly earnings within the limits fixed in Section 4453, the earnings for an employee employed on a public works project that is subject to Chapter 1

(commencing with Section 1720) of Part 7 of Division 2 shall be taken at the wages actually paid or the prevailing wage that was applicable to the work performed by the employee, whichever amount is greater. An appeals board determination of whether a project was a public work or of the applicable prevailing wage, or both, has no effect in any other judicial or administrative proceeding.

Approved \_\_\_\_\_, 2013

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*Governor*